

## Potential Legislative Changes (9/21/2022)

### C-I: Areas Moving Forward or Resolved

Priority order as voted by CRC		Topic	Code Section to Amend	Notes
A.	Commission voted on 3/30/2022.	Requiring reallocation of state incarcerated people to their last known place of residence	EC Section 21003 (d)	AB 1848 to the Governor's office on 8/24/22. Commission sent letter of support on 7/14/22. <b>3/30/2022:</b> Commission voted to move forward.
B.	Commission voted on 3/30/2022.	Reallocation of federal incarcerated people to their last known place of residence, if provided.	EC Section 21003 (d)	Federally incarcerated subcommittee reviewing response from Federal Bureau of Prisons to determine path forward. <b>7/13/2022:</b> shared draft language with the full Commission. <b>3/30/2022:</b> Commission voted to move forward.
C.	Commission voted on 3/30/2022.	Empowering the Commission to make grants for prospective work	GC Section 8253.6(b)	Will draft proposed language after 2022 cycle to see if any current bills with similar language pass. <b>3/30/2022:</b> Commission voted to move forward.
D.	Commission voted on 3/30/2022.	Exempting the Commission from State procurement and contracting regulations	GC Section 8253.6(b)	<b>7/13/2022:</b> shared draft language with the full Commission. <b>3/30/2022:</b> Commission voted to move forward.
1.	C5.  5 votes	Clarify what a day is in defining mapping deadlines	GC Section 8251(b)	Code defines a day (a calendar day). Black's Law Dictionary defines a day as a full 24 hours (midnight to midnight). <b>8/31/22:</b> Commission voted to move forward. <b>7/13/22:</b> General consensus to move forward with Black Law's definition.

				<b>6/1/22:</b> Draft two scenarios – one to use Black's Law Dictionary definition and the other to note the 24-hour clock starts from the time a motion is passed.
3B.	C6.  3 votes	Ability to hire outside counsel without AG prior approval	GC Section 11041	Could either amend Commission GC or the Attorney General exceptions listing <b>8/31/22:</b> Commission voted to move forward. <b>7/13/22:</b> Agreement on language drafted. <b>6/1/22:</b> Move forward to draft government code language for AG exception.
2.	C18.  4 votes	Define Fully Functional – Executive and administrative teams on board?	GC Section 8251 (b), CCR Title 2 Section 60861	Work with the State Auditor on language, fully functional noted in GC Section 8253(a)(5) and CCR Title 2 Section 60861. <b>Prior discussion on 6/1/22:</b> Chair Toledo established a Continuity Subcommittee to address this area.
3C.	C9.  3 votes	Strikes by the Legislature are not transparent, should the Legislature be allowed to strike applicants from the subpools? How many strikes by the Legislature?	GC 8252 (c)	Prior discussion: This is the only part of the Commissioner selection process that is not transparent. <b>Prior discussion on 7/13/22:</b> Further activity was assigned to the Government Affairs subcommittee to address.
4B.	C7.  2 votes	Clarify/provide definition of what redistricting matters means	GC Section 8251(b)	First appears in GC Section 8253(a)(3). Prior discussion: <ul style="list-style-type: none"> <li>Spent quite a bit of time discussing what it meant instead of concentrating on other pressing issues such as outreach, education, etc.</li> <li>Good discussion for future commissions to decide for</li> </ul>

				<p>themselves so they are all on the same page.</p> <p>If leave it vague, someone else may define it for the Commission.</p> <p><b>Prior discussion on 7/13/22:</b> Discussion to leave it as is. Each Commission can define separately.</p>
	C10.	Liaisons with Attorney General, CA State Auditor, Department of Finance, Legislature	N/A	Include with lessons learned – add to job descriptions
	C13.	Statewide database to be open source	N/A	Not under Commission's Authority.
4A.	C2.  2 votes	Clarify/provide definition for what public input means	GC Section 8251 (b) GC Section 8253 (a)(1)	<p>See C3 above.</p> <p><b>8/31/22:</b> Consensus to leave as is. Can note our definition in Lessons Learned document.</p> <p><b>7/13/22:</b> Disagreement on definition. Will require further discussion.</p> <p><b>Prior discussion:</b> Like it to be broad which allows for community input. Let each Commission decide.</p>
5A.	C4.  1 vote	Commissioner Vacancies: Discuss need to fill vacancies after final maps are approved.	GC Section 8252.5	<p><b>8/31/22:</b> Consensus to leave as is. Ask State Auditor to remind remaining candidates they may be asked to fill a future vacancy.</p> <p><b>Prior discussion:</b> Is it necessary to fill a Commissioner vacancy after the maps are finalized? Maybe consider if there's a need based on a super majority impact.</p>
5C.	C14.  1 vote	Randomly draw 6 versus 8 names from the remaining pool of applicants	GC 8252 (f)	<p><b>8/31/22:</b> Consensus to leave as is.</p> <p><b>Prior discussion:</b> Allow for more to be selected by initial commissioners in order to appoint Commissioners that are representative of CA and Californians.</p>

C-II: Areas requiring further discussion				
Priority order as voted by CRC		Topic	Code Section to Amend	Notes
E.		Three days public notice three months prior to the final map date.	GC 8253 (a)(1)	<p><b>8/31/22:</b> Specify it's 3 days notification for public meetings not for review of draft maps. Will draft some language. Also, possible discussion for future meeting w/interested groups.</p> <p><b>7/13/22:</b> Shared draft language with the full Commission. Further discussion required by the Commission.</p>
3A	C3.  3 votes	Clarify taking public comment during regular, non-mapping business meetings does not constitute "receiving input on redistricting matters" (subject to 14-day meeting notice)		<p>See C2 below.</p> <p><b>8/31/22:</b> Maybe have future commissions decide or specify non-mapping meetings. May be a possible discussion for future meeting w/interested groups.</p> <p><b>7/13/22:</b> Disagreement on definition. Further discussion required by the Commission.</p> <p><b>6/1/22:</b> Move forward to draft language to clarify public input during public comment is not considered input for agenda posting, i.e., non-mapping business meetings.</p>
5B.	C8.  1 vote	Earlier start date for Commissioners (office set up, coordination with Census), also would impact start date of application process	GC Sec 8252	<p><b>8/31/22:</b> Chief Counsel Pane to research statutory language on deadlines.</p> <p><b>Prior discussion:</b></p> <ul style="list-style-type: none"> <li>Start in year ending in 9. Develop relationship with Census, learning curve to outreach &amp; community engagement.</li> </ul>

				<ul style="list-style-type: none"> <li>Start in early year ending in 0 which would not require a statutory change.</li> <li>Seated Commission is in a better position to know what the next Commission would need in terms of staffing, contracts, etc. New Commission can change whatever is put in place. Also, in better position to coordinate and collaborate with Census.</li> </ul> <p>Outreach is not in our mandate. Careful with mission creep.</p>
5D.	C16.  1 vote	Expand mandate to support local redistricting efforts		<p>Statutory authority – add to GC <b>8/31/22</b>: Further discussion needed. Talk with statewide database about sharing tools with local govts. Expensive for local efforts. No uniformity on how local redistricting efforts are created/done.</p> <p><b>Prior discussion:</b> Outside the Commission’s scope of redrawing the district.</p>
	C1.	Allow “No Party Preference” to be considered a party for purposes of considering commissioner membership categories	GC 8252 (f) &(g) Art. XXI, Sec 2 (c)(2)	<p>Further clarify existing language</p> <p>Prior discussion:</p> <ul style="list-style-type: none"> <li>Recent data shows NPP is 2<sup>nd</sup> largest party in CA.</li> <li>Republicans switching to NPP so possibly more republicans on the Commission.</li> <li>End result of all – don’t want to assume why people decide how to identify themselves.</li> </ul>
	C11.	Commissioner Compensation – salary as exempt?	GC 8253.5	Prior discussion: Need to incentivize prospective candidates.

	C15.	Further restrict amendments to government code statutes (not within one year of certification of maps)		Prior discussions:
	C17.	Changes to size or composition of Applicant review panel	GC 8251 (b)	Prior discussion: <ul style="list-style-type: none"> <li>• 2020 Panel were all white. Need to have a diverse panel.</li> <li>• State Auditor placed prospective panel candidates in separate groups similar to the Commissioner candidates and randomly selected one from each group.</li> <li>• Thought the panel did a good job sifting through all the applicants qualifications.</li> </ul>
4C.	C12. 2 votes	Add language to note nothing impedes the Commission from rotating the chair.	GC 8253 (a)(4)	<b>Prior discussion on 6/1/22:</b> Per Chair and Commissioners' discussion, move down to a lower priority.

\* *Government Code (GC), Election Code (EC), and CA Code of Regulations (CCR) Language*

Code Sections specifically mentioning the California Citizens Redistricting Commission:

- California Constitutional Provisions: Sections 1, 2, & 3 of Article XXI
- Government Code (GC): Sections 8251 to 8253.6
- Elections Code (EC): Division 1, Chapter 1, Section 21003; Division 8, Chapter 1.5, Section 8161
- California Code of Regulations (CCR): Title 1 Sections 60840, 60855, 60856, and 60861